

# THE CHEFTAIN

For the cause that backs assistance,  
For the wrong that needs resistance,  
For the future in the distance,  
And the good that we can do.

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## Judge Parker's Decision.

The following from the St. Louis *Globe-Democrat* we give as a matter of general interest:  
St. Louis, Ark., Oct. 22, 1882.—Judge I. C. Parker, of the Western District of Arkansas, in the case of Frank Morgan, was placed in type before we had an opportunity to read the full opinion. This we have since done and accept the letter of the law as laid down by the court. The Cherokee nation is not a state of the Union, nor in the legal sense is it a territory of the United States. Leaving out of view therefore, the defects in the requisition made upon the Governor of Arkansas, by the Chief of the Cherokee nation and which would have secured the release of the prisoner if no higher considerations had entered into the case; the law is clearly and concisely presented by the Judge from the stand point from which he has reviewed it. But when it is borne in mind that the United States, by the treaty of 1846, pledged itself to deliver up fugitives from justice in the Cherokee nation, that all acknowledged treaties are the supreme law of the land and that treaties are regarded as operative in the absence of any act of Congress providing for their enforcement by the court at Fort Smith, the opinion seems to be more defective. Judge Parker now decides every point in favor of the prisoner, and orders his discharge. This important opinion may be summarized as follows.

"There is no proper affidavit charging Morgan with murder, there is nothing showing that he could be tried by the courts of the Cherokee Nation, and therefore such Nation had no right to demand him; and under the Constitution and laws of the United States the Chief of the Cherokee Nation, not being the Chief Executive of a State or Territory, could make no demand upon the Governor of the State of Arkansas for the extradition of Morgan, so that Governor Berry's warrant for his arrest was void." The last named consideration is decisive.

The material question at issue was, of course, this: Is the Chief of the Cherokee Nation the executive authority of any state or territory in the sense in which the word "State" is used in the Constitution and the words "State" and "Territory" are used in the acts of Congress? Judge Parker answers this question in the negative. He says that the word "Territory," when used to designate a political organization, has a distinctive legal meaning. A territory, under the Constitution and laws of the United States, is an inchoate State. It is a political organization that is contemplated by the act of Congress—a portion of the country not included within the limits of any State and not yet admitted as a State into the Union, but organized under the laws of Congress, with a separate Legislative under a Territorial Governor and other officers appointed by the President and Senate of the United States. The Cherokee Nation does not come within the meaning but it is a part of what is called "Indian country." These Indians have, from the foundation of the Government, been treated as being separate from the States and Territories of the Union, and their tribes as well as all others are distinguished by a name appropriate to themselves, and one differing from either a State or a Territory.

Various special acts and treaties recognize the fact that the tribes of the Indian Territory do not themselves constitute "Territories." The States and Territories, in short are communities of people who are citizens of the United States, and who enjoy the rights and perform the duties of citizens. The Indian tribes are made up of persons who are not citizens of the United States and who do not enjoy the rights and perform the duties of citizens. If the Cherokee Nation is a Territory then the other four civilized tribes, as well as the numerous other Indian tribes in the Indian country, are Territories, and we have by the force of the interpretation of the word Territory, large communities of people who were never heard of before as Territories.

Ray Thompson will hold prayer meeting at this place next Friday night.

The boys would certainly forget that there was but one sex if it were not for the beautiful young matrons who adorn this place with their presence, and their food and tender mothers, for they have not had the pleasure of receiving an invitation to visit the young ladies at the Female Seminary, but they take the opportunity of giving them a tune now and then.

The boys have learned that it is not safe to send letters to the Female Seminary. School boy.

Then the Governor of Arkansas could not, under the Constitution and laws of the United States, issue a warrant for the arrest of Morgan upon the demand of the Chief of the Cherokee Nation. It is evident that, hereafter, criminals in the Indian Territory have only to get out of the country to escape justice.

## The Habes Corpus Case.

The letter to the *Globe-Democrat*, in relation to the ruling of Judge Parker, of the Western District of Arkansas, in the case of Frank Morgan, was placed in type before we had an opportunity to read the full opinion. This we have since done and accept the letter of the law as laid down by the court. The Cherokee nation is not a state of the Union, nor in the legal sense is it a territory of the United States. Leaving out of view therefore, the defects in the requisition made upon the Governor of Arkansas, by the Chief of the Cherokee nation and which would have secured the release of the prisoner if no higher considerations had entered into the case; the law is clearly and concisely presented by the Judge from the stand point from which he has reviewed it.

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Male Seminary.  
DEAR EDITOR.—Thinking that the many readers of the INDIAN CHIEFTAIN would like to hear the news of the Male Seminary, I will give you a brief sketch of it. There are about one hundred boys in attendance, who aided by the honorable faculty, are trying to master the studies that were assigned them at the commencement of the term, but the Algebra class seems to think that Radicals were only intended as a puzzle for the students.

Every thing is carried on pleasantly, and it seems that the thought of dissatisfaction that has proved fatal to many a young man has not found its way into the boys that are here now.

All of the faculty are Christians; who are trying to train the boys in such a manner that they may become honorable and useful men.

The school is divided into two military companies, which drill regularly three evenings out of every week. The boys were exceedingly rejoiced at the presence of Rev. Thompson and H. D. Bushyhead, to see them drill one evening last week, and hope they will come again.

The school has also three literary societies; which are accomplishing more than they ever have since I have had the pleasure of attending the school.

Hat bands and feathers are not in fashion I am glad to say.

Rev. Thompson will hold prayer meeting at this place next Friday night.

The boys would certainly forget that there was but one sex if it were not for the beautiful young matrons who adorn this place with their presence, and their food and tender mothers, for they have not had the pleasure of receiving an invitation to visit the young ladies at the Female Seminary, but they take the opportunity of giving them a tune now and then.

The boys have learned that it is not safe to send letters to the Female Seminary. School boy.

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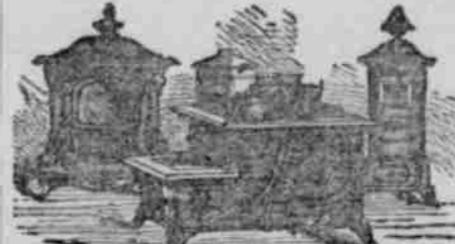
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